



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/985,514	12/05/97	POISNER	0423711-P-515

LM01/0329

BRADLEY J BEREZNAK
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

EXAMINER
PIERCE, I

ART UNIT	PAPER NUMBER
2756	

DATE MAILED: 03/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/985,514

Applicant(s)

Polsner

Examiner

Ivan Pierce

Group Art Unit

2756

☒ Responsive to communication(s) filed on Jan 19, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three, 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-4, 6-8, 10, 11, 13, 17, 18, 20, 21, and 23 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 6-8, 10, 11, 13, 17, 18, 20, 21, and 23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2756

1. This application has been reviewed. Original claims 5,9, 12, 14-16, 19, 22 and 24-25 are cancelled. Amended claims 1-4, 6-8, 10-11, 13,17-18,20-21 and 23 are pending. For the Applicant's convenience, the first Office action rejections are repeated below.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3-10 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Boatman et al. Boatman et al. disclose a method for monitoring a plurality of devices in a common environment, *ABSTRACT*, comprising the steps of:

- (a) receiving usage information from one of the devices, *BACKGROUND, SUMMARY, Figs 1-2; site controllers initiate data collection from sensor devices, col 2 lines 1-49, used to monitor air or water quality;*
- (b) storing the usage information on a memory device of a computer, *col 2 lines 1-49; site controllers store sensor data in data storage devices for the data acquisition system;*
- (c) using the computer to automatically access a remote database containing information regarding the device, *col 2 lines 50-62; the data acquisition system systematically communicates with remote databases;*

Art Unit: 2756

(d) transmitting the stored usage information to the remote database, *col 2 line 50 - col 3 line*

6. Usage information stored by data acquisition systems is transmitted to remote databases;

(e) receiving the information from the remote database, *col 2 line 50 - col 3 line 6; Remote databases systematically collect data from data acquisition systems for analysis; and*

(f) generating an action to be taken by the device using the information from the remote database and the stored usage information; *col 4 lines 5-33; data collected by the remote databases is used to control data collection operations at the sensor devices; additionally, remote databases control voltage-VOC measurement conversions at the sensor devices which are used for calibration procedures, col 5 lines 37-50.*

In an environmental control system, sensor devices transmit data to a controller storage device programmed to systematically collect the sensor data. The controller systematically transmits sensor data in intervals to a remote database, which receives the data and controls further actions at the sensors as a result of the sensor data, col 2 line 36 - col 3 line 6, such as measurement calibrations based on manufacture data, col 5 lines 19-50, Fig 4. By this rationale, claims 1, 5-6, 10, 14, 20 and 22 are rejected.

4. Boatman et al further disclose the method of claim 1, wherein the devices are home appliances and wherein the common environment is a house, *BACKGROUND. Casinos and nursing homes employ air and water quality monitoring devices in order to establish and maintain pollution-free environments for people and entertainment equipment. By this rationale, claims 7, 17 and 21 are rejected.*

Art Unit: 2756

5. Boatman et al further disclose the method of claim 1, wherein the devices are items of manufacturing equipment and wherein the common environment is a manufacturing facility

BACKGROUND. Manufacturing facilities employ air and water quality monitoring devices in order to establish and maintain pollution-free environments for people and equipment. By this rationale, claims 8 and 18 are rejected.

6. Boatman et al further disclose the method of claim 1, wherein the step of generating a suggested action comprises generating a written report, *col 3 lines 27-42. The remote database generates reports for review and analysis at the individual sites. By this rationale, claims 9 and 19 are rejected.*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4, 11-16 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boatman et al. Boatman et al. disclose the invention substantially as claimed. Boatman et al. further disclose the method of claim 1, wherein the usage information comprises *device operation and maintenance data, col 3 lines 7-34, col 4 lines 5-14. Data collected from sensor devices is used to identify filters and determine filter replacement frequencies for specific residues.* However Boatman et al. do not explicitly disclose:

(a) an average length of time the device is in operation over a period of time;

Art Unit: 2756

- (b) a number of occasions the device is in operation over the period of time;
- (c) a number of times maintenance was performed on the device over the period of time; and
- (d) types of maintenance operations that were performed on the device over the period of time. *It would have been obvious to one of ordinary skill in the art at the time the invention was made to track device operation time, usage and maintenance history to establish filter replacement schedules. By this rationale, claims 2, 11-13 and 23 are rejected. Boatman et al. further disclose remote databases accessed by the controller via Internet connections which accommodate point-to-point sessions between the data acquisition system and the remote databases, Figs 1-2, col 3 lines 27-42. By this rationale, claims 3-4, 14-16 and 24-25 are rejected.*

Response to Arguments

9. Applicant's Response to Office action received January 21, 2000 has been fully considered but is not persuasive. The Applicant Response stated that Boatman et al., in U.S. Patent 5892690, fails to teach "*collecting usage information from the one or more devices...*", and that the information recorded by the sensors does not include data pertaining to the operation of the sensors themselves. The Examiner considers the Boatman et al. disclosure on filtering systems, *BACKGROUND*, and sensor data, *DETAILED DESCRIPTION*, to teach "*collecting usage information from the one or more devices...*" as cited in the first Office action. Information collected from the sensors contains data which describes environmental conditions at the filtering devices, Fig 3, determines polling intervals, *col 2 lines 36-62, col 3 line 56 - col 4 line 4*, and

Art Unit: 2756

filter replacement schedules, *col 4 lines 5-24*. Therefore, information is collected from one or more sensors which reveal the extent to which resources, i.e., air, filters, are used.

The Applicant Response further states that Boatman et al. do not disclose “*accessing a remote database by the computer, the remote database containing information specific to the one or more devices...to receive the information specific to the one or more devices from the remote database*”. The Examiner considers the Boatman et al. disclosure on remote databases cited in the first Office action to teach this limitation. Remote databases collect information specific to the one or more sensor devices, such as sensor identification number, air quality measurement, date and time, and site identification number, *col 3 lines 7-42*. As a result of these teachings, the Examiner considers the Applicant statement that the Boatman et al. invention “is not concerned with monitoring the usage of specific devices, *ie sensors*, operating in an environment” to be inaccurate. Without providing a means for controlling the duration of filter use, the Boatman et al. invention cannot accomplish its stated objectives for overcoming the limitations of prior art environmental monitoring systems. Therefore, the Examiner maintains the position cited in the first Office action: data collected by the remote databases is used to control data collection operations at the sensor devices, *col 2 lines 23-62, col 3 lines 35-43, col 4 lines 5-43*. System operators are authorized to review the contents of the remote database and program polling intervals from the sensors based on the results of the sensor data. By this rationale and the rationale contained in the first Office action, amended claims 1-4, 6-8, 10-11, 13, 17-18, 20-21 and 23 stand rejected.


Art Unit: 2756

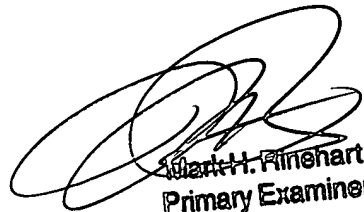
10. THIS ACTION IS MADE FINAL. A reminder of the extension of time policy as set forth in 37 C.F.R. § 1.136(a) follows:

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication should be directed to Ivan Pierce at telephone number (703) 308-1058. The examiner can normally be reached on Mondays-Fridays from 8:30 A.M. to 5:00 P.M.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Asta, can be reached on (703) 305-3817. The fax number for this Group is (703) 305-9731. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.


Ivan C. Pierce, III
PATENT EXAMINER
Group 2700


Martin H. Finehart
Primary Examiner